

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA        )  
                                    )  
v.                                )     CRIMINAL ACTION NO.  
                                    )  
DARRELL GAMBLE                )     2:07cr219  
                                    )

ORDER

This case is now before the court on defendant Darrell Gamble's motion to continue trial. In light of the fact that the government has no objections to the continuance motion and for the reasons set forth below, the court concludes that the continuance motion should be granted.

While the granting of a continuance is left to the sound discretion of the trial judge, United States v. Stitzer, 785 F.2d 1506, 1516 (11th Cir.), cert. denied,

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an ... indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the ... indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

18 U.S.C. § 3161(c)(1). The Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

The court concludes that, in this case, a continuance is necessary. The trial is currently scheduled for December 10, 2007, but attorneys for both parties will be unavailable at that time: the Assistant United States Attorney will be out on sick leave until December 17, and

the ends of justice served by granting a continuance outweigh the interest of the public and Gamble in a speedy trial.

Accordingly, it is ORDERED as follows:

- (1) Defendant Darrell Gamble's motion to continue (Doc. No. 15) is granted.
- (2) Defendant Gamble's trial and jury selection are continued to the criminal term of court commencing March 17, 2008, at 10:00 a.m. in Courtroom 2FMJ of the Frank M. Johnson, Jr., United States Courthouse Complex, One Church Street, Montgomery, Alabama.

DONE, this the 21st day of November, 2007.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE